

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

DAVID M. PAXTON (CASBN 266940)
Assistant United States Attorney

150 Almaden Boulevard
San Jose, California 95113
Telephone: (408) 535-5040
Facsimile: (408) 535-5066
Email: david.paxton@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-00126 JF
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME FROM
v.)	FEBRUARY 25, 2010 TO APRIL 1, 2010
)	FROM THE SPEEDY TRIAL ACT
JOSE CANDELARIO DELGADO-RIOS,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A))
Defendant.)	
)	

On February 25, 2010, the parties appeared for a hearing before this Court. At that hearing, the government and defense requested an exclusion of time under the Speedy Trial Act based upon the defense counsel's need to effectively prepare by reviewing discovery materials submitted by the government and the need to jointly negotiate a resolution in this matter. At that time, the Court set the matter for a hearing on April 1, 2010.

The parties stipulate that the time between February 25, 2010 and April 1, 2010 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(8)(A).
4

5 DATED: March 5, 2010

JOSEPH P. RUSSONIELLO
United States Attorney

6
7 /s/
8 DAVID M. PAXTON
Assistant United States Attorney


9
10 /s/
11 LARA S. VINNARD
Attorney for Defendant
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between February 25, 2010 and April 1, 2010 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: April 9, 2010


~~JEREMY FOGEL~~ HOWARD R. LLOYD
~~UNITED STATES DISTRICT JUDGE~~
MAGISTRATE